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MARK A. KRULL
P.O. BOX 7198
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FEB 27 2009

OFFICE OF PETITIONS

In re Application of
Kenneth W. **STEARNS**
Application No. 09/981,315
Filed: October 16, 2001
Attorney Docket No.

DECISION ON PETITION
UNDER 37 CFR 1.137(b)

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 27, 2007, to revive the above-identified application.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D).

Petitioner states that a Notice of abandonment was mailed indicating that the above-identified patent application was abandoned for failure to respond to an office action mailed on February 21, 2007. A review of the file record discloses that no office action was mailed on February 21, 2007. The record indicates the above application was Issued into patent no. 6,923,745 on August 2, 2005.

In view of the above, the petition is **DISMISSED** as moot.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
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By hand: U. S. Patent and Trademark Office
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401 Dulany Street
Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300**.

Telephone inquiries concerning this decision should be directed to Monica A. Graves at (571) 272-7253.

A handwritten signature in black ink, appearing to read 'Brian W. Brown', with a stylized, flowing script.

Brian W. Brown
Petitions Examiner
Office of Petitions